

## CLAIMS

What is claimed is:

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1. In a system for transmitting audio over a data network; and wherein received audio packets are stored in a jitter buffer and read from the jitter buffer at a rate dependent on a jitter buffer latency which can be modified during periods of quasi-silence, an apparatus for determining if a data packet contains one of two types of audio, non-speech audio or speech audio comprising:
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- a non-speech detection module which identifies the type of audio;
- an add header routine which stores a non-speech identifier with the audio in the data packet, and
- a remove header routine which detects the state of the non-speech identifier to determine if non-speech audio is included in the data packet, whereupon the modification to the jitter buffer latency is enabled.
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2. An apparatus as claimed in Claim 1 wherein the non-speech identifier is a one bit field included in a header in the data packet.
3. An apparatus as claimed in Claim 2 wherein the non-speech identifier is stored in a Real-time Transport Protocol header.
4. An apparatus as claimed in Claim 3 wherein the non-speech identifier is set to a first of two states if the data packet contains non-speech audio.
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5. An apparatus as claimed in Claim 3 wherein the non-speech identifier is set to a second state if the data packet contains speech audio.

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6. An apparatus as claimed in Claim 1 wherein the remove header routine determines from the state of the non-speech identifier that speech audio is included in the data packet whereupon the jitter buffer latency modification is disabled.
7. An apparatus for determining if a data packet contains non-speech audio or speech audio comprising:
  - means for storing a non-speech identifier with the non-speech audio in the data packet; and
  - means for detecting the non-speech audio included in the data packet dependent on the state of the non-speech identifier.
8. An apparatus as claimed in Claim 7 wherein the non-speech identifier is a one bit field included in a header in the data packet.
9. An apparatus as claimed in Claim 8 wherein the non-speech identifier is stored in a Real-time Transport Protocol header.
10. An apparatus as claimed in Claim 9 wherein the non-speech identifier is set to a first of two states if the data packet contains non-speech audio.
11. An apparatus as claimed in Claim 9 wherein the non-speech identifier is set to a second state if the data packet contains speech audio.
12. An apparatus as claimed in Claim 7 wherein upon detection of the non-speech audio the means for detecting enables jitter buffer latency modification.
13. An apparatus as claimed in Claim 7 wherein upon detection of the non-speech audio the means for detecting disables jitter buffer latency modification.

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14. In a system for transmitting audio over a data network; and wherein audio packets are stored in a jitter buffer and read from the jitter buffer at a rate dependent on a jitter buffer latency which can be modified during periods of quasi-silence, a method for identifying a data packet containing one of two types of audio, non-speech audio or speech audio comprising the steps of:
- 5 generating a non-speech identifier which identifies which type of audio is in the packet;
- storing, by an add header routine, the non-speech identifier with the audio in the data packet; and
- 10 detecting, by a remove header routine, the state of the non-speech identifier to determine if non-speech audio is included in the data packet, whereupon the modification to the jitter buffer is enabled.
15. A method as claimed in Claim 14 wherein the non-speech identifier is a one bit field included in a header in the data packet.
- 15 16. A method as claimed in Claim 15 wherein the non-speech identifier is stored in a Real-time Transport Protocol header.
17. A method as claimed in Claim 16 wherein the non-speech identifier is set to a first of two states if the data packet contains non-speech audio.
18. A method as claimed in Claim 16 wherein the non-speech identifier is set to a second state if the data packet contains speech audio.
- 20 19. A computer program product for determining if a data packet contains non-speech or speech audio, the computer program product comprising a computer usable medium having computer readable code thereon, including program code which:

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20. An apparatus for determining if a data packet contains non-speech audio or speech audio comprising:
- a transmitter, the transmitter comprising:
    - an add header routine which stores a non-speech identifier with the non-speech audio in the data packet; and
  - a receiver, the receiver comprising:
    - a remove header routine which detects the non-speech audio included in the data packet dependent on the state of the non-speech identifier.